

REMARKS

The present amendment is in response to the Office Action dated June 17, 2005. Claims 1-32 and 39-44 are now present in this case. Claim 20 is amended. Claims 33-38 are canceled.

Claim 20 is amended to correct a minor typographical error. Claims 33-38 have been canceled in a response to a restriction requirement dated March 24, 2005.

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,009,342 to Brasch et al. The applicant respectfully traverses this rejection and requests reconsideration. The Office Action states, at pages 2-3, that Brasch discloses washout behavior, enhancement behavior, and plateau behavior. This is incorrect. As described in the specification of the pending application, these three types of behavior are characteristic responses following the administration of a contrast media. Following the administration of a contrast media, the imaging signal intensity curve continues to increase or enhance (*i.e.*, persistent enhancement), reaches a peak level of enhancement and then levels off or plateaus in an abrupt or generally abrupt manner (*i.e.*, a plateau response), or reaches a peak level of enhancement and subsequently declines to a lower or reduced level of enhancement (*i.e.*, a washout curve.) Thus, these characteristic curves refer to the imaging intensity signal following the administration of the contrast media.

Brasch does not teach or suggest the three characteristic curves. The Office Action, at page 2, suggests that washout behavior is described in Brasch at column 10, lines 54-58. This is incorrect. That section of Brasch is describing the leakiness of tumor microvessels (*i.e.*, blood vessels) that leak the contrast agent into the interstitial space of the tumor. The accumulation of contrast agent into the interstitial space of the tumor over time causes an increase in the imaging signal intensity, but is not characteristic of washout behavior recited in claim 1. Indeed, Brasch seems to offer an explanation as to why tumors are preferentially enhanced by contrast agent. That is, the microvascular leakage in areas surrounding tumors allow the contrast agent to leak out of the microvessels thus enhancing the imaging signal intensity. This is not a suggestion of washout behavior.

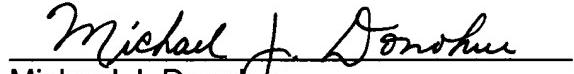
It should be noted that Brasch describes Figure 2 as teaching that signal enhancement of malignant tumors tends to increase over time. (See column 4, lines 40-43.) There is no teaching in Brasch for signal intensity rising to a peak value and showing a marked decrease (*i.e.*, a washout characteristic). That is, Brasch does not teach or suggest washout behavior characteristics, as recited in claim 1. Accordingly, claim 1 is clearly allowable over Brasch. Claims 2-4 are allowable in view of the fact that they depend from claim 1, and further in view of the recitation in each of those claims.

Claims 5-32 and 39-44 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Brasch. The Office Action states that Brasch does not disclose threshold values and settings or the analysis of voxels, but finds that such variations are obvious. The applicant respectfully traverses this rejection and requests reconsideration. As discussed above with respect to claim 1, Brasch does not teach or suggest a washout behavior characteristic. Indeed, as noted above, Brasch teaches exactly the opposite; that is, an enhanced imaging signal due to the leakage of contrast agent from microvessels in the areas of a tumor. Brasch has developed an analytical technique for measuring the amount of microvascular leakage in comparison with contrast imaging signal levels in the bloodstream. There is no suggestion of washout behavior or an hierarchical analysis of tumor characteristics following the administration of a contrast media. Brasch does not suggest the method of claim 5 in which it is determined whether a candidate voxel set exhibits an imaging signal washout behavior. Accordingly, claim 5 is clearly allowable over Brasch. Claims 6-29 are also allowable in view of the fact that they depend from claim 5, and further in view of the recitation in each of those claims.

Claim 39 is a computer readable medium claim that, among other things, determines whether a candidate voxel corresponding to a tissue volume exhibits an imaging signal washout behavior. As noted above, Brasch does not teach or suggest any such behavior with respect to the imaging signal. Accordingly, claim 39 is clearly allowable over Brasch. Claims 40-45 are also allowable in view of the fact that they depend from claim 39, and further in view of the recitation in each of those claims.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. The applicant has made a good faith effort to place all claims in condition for allowance. If questions remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 628-7640.

Respectfully submitted,
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